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Justice Harlan in *Mugler v. Kansas* (1887) 123 U. S. 623, 8 Sup. Ct. 273. A few recent cases presenting closely similar questions follow this *dictum*. In *re Crane* (1915) 27 Idaho 671, 151 Pac. 1006 (having in possession); *Clark Distillery Co. v. Western Maryland R. R. Co.* (1916) 242 U. S. 311, 37 Sup. Ct. 180 (transporting in interstate commerce). There are many cases to the contrary, holding that the mere possession and use of liquor to satisfy one's own personal tastes, and by inference, at least, the manufacture of liquor for such use, is not injurious to the public health, morals, or welfare and therefore is not subject to the police power. *Commonwealth v. Campbell* (1909) 133 Ky. 50, 117 S. W. 383; *Eidge v. Bessemer* (1909) 164 Ala. 599, 51 So. 246; *Shreveport v. Hill* (1913) 134 La. 351, 64 So. 137.

CONSTITUTIONAL LAW—POLICE POWER—ORDINANCE FORBIDDING ADVERTISING ON WALLS AND BUILDINGS.—Under a municipal ordinance construed as prohibiting the painting of advertising signs on walls and buildings within the city, a fine was imposed upon the plaintiff in error. *Held*, that the ordinance, so construed, was unconstitutional, as it constituted taking private property for public use without compensation. *Anderson v. Shackelford* (1917, Fla.) 76 So. 343.

The case illustrates the persistence of the view of the courts that the police power does not extend to the prohibition of practices which merely violate aesthetic taste. See Freund, *Police Power*, sec. 182; see also Henry T. Terry, *The Constitutionality of Statutes Forbidding Advertising Signs on Property* (1914) 24 YALE LAW JOURNAL I.

COURTS—JURISDICTION—VIEW IN FOREIGN STATE.—In a divorce proceeding tried without jury, a view of premises located in another state was taken by the judge in the presence of both parties and without exception by the appellant. On appeal from a decree dismissing the complaint the appellant contended that the court had acted without jurisdiction in taking such view. *Held*, that the court did not exceed its jurisdiction since the action of the court corresponded to the taking of a view by a jury, which is regularly done in the absence of the court, and does not require the exercise of judicial functions at the time the view is taken. *Carpenter v. Carpenter* (1917, N. H.) 101 Atl. 628.

The case is noteworthy for its thorough consideration of the nature of a view, as well as for the unusual circumstance that the view was taken outside the state. *Cf. State v. Hawthorn* (1914) 134 La. 979, 64 So. 873.

HUSBAND AND WIFE—AGREEMENT PENDING DIVORCE TO RESUME MARITAL RELATIONS.—During the pendency of divorce proceedings an agreement was made between the parties by which it was provided that they should resume marital relations, that certain community property should be divided, that the wife should dismiss her suit, and that if the husband should thereafter do any act giving her ground for divorce he should thereupon pay her \$3,000. Subsequently the wife obtained a divorce for misconduct and sued upon the contract, which the husband contended was against public policy and void. *Held*, that the contract was valid. *Bowden v. Bowden* (1917, Cal.) 167 Pac. 154.

The court draws the valid distinction between contracts which tend to encourage marital misconduct (as when one of the spouses agrees, should the other give ground for divorce, to accept a certain sum in lieu of such alimony as a court might award) and contracts which tend to deter from misconduct, like the one under review, where neither party gave up any marital rights, but the husband assumed, in addition to his marital duties, the obligation to pay some-

thing additional to what the court would award in a suit for divorce or separate maintenance.

INHERITANCE AND TRANSFER TAXES—ANTENUPTIAL AGREEMENT—OPTION UNDER WILL TO TAKE PAYMENT IN SECURITIES.—The widow of a decedent was entitled under an antenuptial agreement to receive on her husband's death \$250,000 as a debt against his estate. By his will he confirmed this agreement and provided that the wife should have the option of taking payment in securities to be selected by her from his estate instead of cash. She exercised this option and accepted securities in payment. Under an inheritance tax act, passed after the antenuptial agreement and expressly not applicable to transfers by "deed, grant or gift" prior to the act, a tax was assessed on the value of the securities so transferred to the widow. *Held*, that though by the antenuptial agreement the widow became a creditor of the estate for \$250,000, and payment of this debt in cash would not have been a taxable transfer, the option to take securities was a legacy in payment of a debt, and as such, if accepted, was equally taxable with gratuitous legacies. *Hill v. Treasurer* (1917, Mass.) 116 N. E. 509.

NUISANCE—PUBLIC GARAGE IN RESIDENTIAL DISTRICT—INJUNCTION.—An injunction was asked against the proposed erection of a garage in a district exclusively residential, near large churches, on the ground that the operation of a garage would necessarily create noises, odors and dangers, interfere with church services, reduce the value of surrounding property, and increase insurance rates. *Held*, that the injunction should issue. *Prendergast v. Walls* (1917, Pa.) 101 Atl. 826.

For cases denying injunctions against the operation of a garage see *Sherman v. Livingston* (1910) 128 N. Y. Supp. 581, 137 App. Div. 929 (not a nuisance per se); *Diocese of Trenton v. Toman* (1908, Ch.) 74 N. J. Eq. 702, 70 Atl. 606 (garage near day nursery); *Stein v. Lyon* (1904) 87 N. Y. Supp. 125, 91 App. Div. 593 (residential district). No previous case has been found in which the operation or erection of a garage was enjoined as a nuisance, though an injunction has been issued against the storage of gasoline in a frame garage surrounded on three sides by other frame buildings. *O'Hara v. Nelson* (1906, Ch.) 71 N. J. Eq. 629, 63 Atl. 842.

PATENTS—RESTRAINT OF TRADE—PRICE RESTRICTIONS ON RESALE OF PATENTED ARTICLE.—Ford automobiles constructed under various patents were marketed under a so-called "license system" by which dealers agreed to resell only at the plaintiff's full list prices. The defendants induced Ford dealers to break their agreements, and Ford machines were advertised for sale by the defendants at less than list prices. The plaintiff sought an injunction. *Held*, that the plaintiff's contract with dealers amounted to an absolute, as distinguished from a conditional, sale of its patented machines and that after such sale attempted price restrictions as to resale were invalid, both at common law and under the Sherman Act. *Ford Motor Co. v. Union Motor Sales Co.* (1917, C. C. A. 6th.) 244 Fed. 156.

For a discussion of the principles involved, see (1917) 26 YALE LAW JOURNAL 600. See also F. Granville Munson, *Control of Patented and Copyrighted Articles after Sale*, *ibid.* 270. Cf. *Ford Motor Co. v. Benj. E. Boone* (1917, C. C. A. 9th) 243 Fed. 335; and *Robt. H. Ingersoll & Bros. v. Hohne & Co.* (1917, N. J. Ch.) 101 Atl. 1030.